App F IX-4

1916

~~192~~ .

Q 36

*Previous references* ( nune )

File No 96-16

Serial Nos 1-3

Reserve Fee 19/4/26

*Later references*
Mf 74-37-85 15, 28

Preserved

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos*

Part B for June 26

SUBJECT

Action to be taken for suppressing the disturbance caused to the Public of the Bangalore City by Byrias early morning in hustle of the Local smile

Papers ordered to be filed

JAS
28/26

G R S. 11]

1916-17

GENERAL AND REVENUE SECRETARIAT

(Memo)

NOTES

D-o File — Mut File No 96-16

FILE HEADING

Complaints from the Residents of Bangalore regarding the disturbance from Aerial Vessels.

From

| No 1 | Dated | Received | |
|---|---|---|---|
| Diary No | Enclos | Spare Copies | Serial No |
| Dms 8/6/16 | | | |

BRIEF ABSTRACT OF LETTER

NOTES AND ORDERS

Draft D.O. letter answering action already taken by the Sub-Committee is put up for consideration or Remarks.

NOTES—First Sheet 18.8.16

GPB—20 000—8 8-14

G R S 12]

General and Revenue Secretariat

Mil File No. 96 of 1916

| Serial No. | |
|---|---|
| | 2. Draft sheet K Dewan n approved - Issue |
| | 3 A to Engr Copy maybe kept in file |
| | Mil 19 8 916 |
| | KD 19/8/16 |
| 1 | To Rajasabhabhushana Dewan Bahadur K P Puttanna Chetty, Esq President, Bangalore City Municipal Council<br>D O No 1428 dt 19 8 1916<br>Enquires what action has been or is being taken to abate the disturbance caused from the morning whistles of the Mills in the City. Suggests that, if persuasive measures fail to prove effective, suitable Legislation may be framed for the purpose & enquires wh of the two Mills in the City offends most. |
| 2 | To Rajasabhabhushana Dewan Bahadur K P Puttanna Chetty Esq D O No 16697 I/1916<br>States that he has warned the local Mills & that the Syrens have not now been so obstructive during the early morning hours, that no Legislation can be framed for want of provision either in the Mil Regn or in the Mysore Factories Regn & that the Dist Magte may take action under the Indian Penal Code for preventing the public nuisance |

Contn sheet

GPB—75,000—17 12 1

876 3

G. R. S 12]

General and Revenue Secretariat | Jud File No 96 of 1916.

| Serial No. | |
|---|---|
| | Asst. Secy IV |
| | 4 Please see if there are Leg Laws in British Indian Municipalities for the abatement of this species of nuisance It is inconceivable that the Municipal Council is powerless in such matters — particularly in towns like Bangalore & Mysore. (sd) L. K |
| | 8 9 916 |
| | 5 Blowing of whistles by Mills is not an offence under the Mysore Municipal Regulation Nor is it an offence under Several of the British Indian Municipal Acts But Sec 393 of the Bombay City Municipal Act, 1888, prohibits the use of Steam Whistle or Steam-trumpet without permission of the Municipal Commissioner. The permission granted by the Commissioner may be suspended or revoked by him if any of the conditions subject to which it was granted is infringed by the person to whom the same was given. HK 48 |
| | 9 9 916 |

Sheet.

4

G R S 12]

General and Revenue Secretariat | Jud File No 96 of 1916.

Serial No

for Steam Launches use the slang bank for the information from Bombay called for by the Parsee —

It seems doubtful if the thing can be brought under the Municipal Regulation

12/9-16

Rev Secy)

8. The Bombay Municipality has taken permanent measures to restrict the nuisance complained of. The Municipal Regulation in force in Bangalore & Mysore cities were not found effective in most of the factories in the Presidency towns like Bombay. It is only a Reproduction of the Bombay District Municipal Act. No bye-law can therefore be framed until the Regulation itself is amended so as to admit of a bye-law being framed for the abatement of the particular kind of nuisance complained of is caused by Washing &c —

I submitted to Secretary

13 9-1916

Under Secy to Govt
Rev Secretary.

1570-Pol.
14-9-16

To Sir

10 Th by Dyd may be requested to expedite a reply early

13/9/16

A O

10 9 16

Vol 8—Contn sheet

G11—0 000—17 12 13

5

G R S 12]

General and Revenue Secretariat | Mil File No 96 of 1916

| Serial No | |
|---|---|
| 11) | Brandreth Lt. Mil. In favour Mogaster |

NOTE—Conts. sheet

6

Nel 96-16

G R.S. III—3]

## Routine Notes

[To be used only for notes, requisitions, etc, not intended for permanent record]

Mr Dear Secretary

(2) About the draft message by the Secretary to Foreign which I sent you yesterday with the Secretary's comments after discussion with the Secretary of the Navy

Yours sincerely
Chairman

22/9

(3)

Please work up the draft message

Ex 25/9

NB —Should routine notes be written on small slips the notes must be copied on slips pasted on this form

W D 81—GPB—60 000 23-7 16

G R. S 12]

General and Revenue Secretariat | Ml File No. 96 of 1916

Serial No

Subd.

(4) After sec. 138 ~~in the~~ under the Sub-heading (6) Powers for the Prevention of Nuisances the following section adapted from secs 393 and 479(3) of the City of Bombay Municipal Act, 1888, may be inserted;

"138A. In Municipalities to which the provisions of this section are extended by Govt by a notification in the Official Gazette in this behalf, no person shall, without the written permission of the President of the Municipal Council, use or employ in any factory or any other place, any steam-whistle or steam-trumpet for the purpose of summoning or dismissing workmen or persons employed

Prohibition of use of steam-whistle or steam-trumpet without permission of the ~~Commissioner~~ Municipal Council

(2) The President of the Municipal Council may at any time revoke any permission which he has given for the use of any such instrument as aforesaid on giving one month's notice to the person using the same

(3) Provided that nothing in [illegible]

NOTE—Contn. sheet

J 30 of 47

8

G R. S 12]

General and Revenue Secretariat | Municipal File No. 96 of 1916.

Serial No

section (2) shall be deemed to require one month's notice to be given by the President of the Municipal Council, if he suspends or revokes any such permission for any of the following reasons :-

(a) if any of its restrictions or conditions is infringed or evaded by the person to whom the same has been granted, or

(b) if the said person is convicted under sub-section (4),

(4) Whoever uses a steam-whistle or steam-trumpet without a written permission under sub-section (1) or infringes or evades any restrictions or conditions imposed in the permission granted under sub-section (1) shall on conviction before a magistrate be punished with fine which may extend to fifty rupees."

27/9/16 15) Forwarded unofficially to the Government Advocate for favour of opinion whether the act complained of amounts to a public nuisance or

J 27 of 16

J 30 " "

NOTE—Contn. sheet

G R S 12]

General and Revenue Secretariat | Rural File No. 96 of 1916.

Serial No

The working of the Indian Penal Code

By order
Brunwin
2nd Oct 1916

1 OCT 16

L O 23/1647

46) The use of steam whistles for the purpose of summoning or dismissing workmen at the early hours of the morning may in some cases disturb the sleep of the inhabitants in the neighbourhood & thus cause annoyance to them. But looking at the kind duration and degree of annoyance which often all may be of a "fleeting or evanescent" kind it can hardly be said that the noise proceeding from the whistle though it might amount to an actionable "private nuisance" will amount to an indictable "public nuisance" as defined in sec 268 of the I P C

47) In England nuisances of this kind is penalised under a special enactment called the Factories (Steam

NOTE—Contn sheet

J-Jun-475-16

10

G R S 12]

General and Revenue Secretariat

Jul File No. 96 of 1916

| Serial No | |
|---|---|
| | Colville) Act 1872 - [35 & 36 Vict c 61], ~~was~~ if wanted to be without the sanction of the Sanitary Authority, |
| Legislative | to the Governor for [illegible] |

NOTE—Contn sheet

GPE—70 000—17 12 15

G R S 12]

General and Revenue Secretariat | Mll File No 96 of 1916

Serial No

(8) Submd.

Regarding the circumstances, in any course open is to legislation on the matter, if necessary

Rs 18/10

Ra Sec'y

20. Please look up the following papers early —

① The municipal or factory Regulations of Madras, Bombay, & Calcutta — having a bearing on the subject

② Reply from the Dist Magistrate, Bangalore to letter dt 19 9 16

③ Information as to the practice prevailing in Bombay

with — If this is not received please request the Presidency Magistrate for favour of furnishing the

This was only drafted but not sent to Dist Magistrate Bangalore & Bombay Municipality

Rs 18/10

1239 3 The Police Commissioner City vide his letter dated 21 10 16 has sent a copy of Sec 293 of the Bombay Municipal Act — a form of license issued to mills & factories in the City.

2. If the Hon'ble President, Bangalore Municipality, has not furnished the required information regarding the practice prevailing in Bombay, Kindly refer to the enclosed to the License form (Enclosure to the Presidency letter) which purports to be under the City of Bombay Municipal Act & which specifies the exact conditions under

NOTE—Contn sheet

1239 92

G R S 12]

General and Revenue Secretariat | M File No 96 of 1916.

Serial No

which the license is issued.

2. All these conditions seem to be useful and if a suitable amendment is made in Chapter IX of the Mysore Municipal Regulations, which is after the Bombay Act, empowering the Municipality to issue a similar license to the owners of the Mills with respect to the use of whistles & sirens, & thus the nuisance complained of may be easily abated and the inconveniences to the public very much minimised.

23 Sub[2] for favour of orders

D.M.
21.10.16

Rev. Sec[y]

22/X Submitted for orders with reference to Dewan's remarks (Paragraph 1)

2[d] Member

Dewan.

CK
23/10
916
D.M.
24 10 16

2176
26 10 16

The Drains will be collected together near the Mosque

1-11 916

Note—Contn sheet

(111—70 (XD—17 12 1.

13

nl 96-16

GRS III—3]

## Routine Notes

[To be used only for notes, requisitions, etc., not intended for permanent record]

The file was marked for 2nd matter a Devan. But the District wished Pending it to 2nd number in the file within Dist to the Devan Mess. Hence the confusion & delay

Whistling nuisance at the Mills.—

25 The file on this subject was submitted to 2nd number. on the 24th Oct/16 The Devan wishes to see some action taken regarding a view to abate this nuisance as complaints from the Residency are becoming insistent He is of opinion that legislation is necessary. The Govt Adv is also of the same opinion The matter may be considered & some action taken

26 The file which had been sent to Devan Mess by mistake is returned & now submitted to 2nd number

L Wodehouse Chief Secy
Rewa

11 — 1 11 16
1-11-16

27 We can only take notice to whether the whistling

Yes
1/11

NB—Should routine notes be written on small slips the notes must be copied or slips pasted on this form

WD 81—C I B 60 000—20 16

1289 4

J R. S 12]

General and Revenue Secretariat | Rl File No. 96 of 1916.

Serial No

28 A Draft letter as proposed by me to the Defence & Home Depts on 19 9 16 Master King pernd Before issue I thought it advisable to consult Branch 4b It was found that the act complained of could not be viewed as a "public nuisance" within the definition given in the Indian Penal Code The Govt Advocate holds the same views (Vide Paragraph 16 of his Note) Hence the draft was not issued But pending the amendment of the Penal Code, the Defence may be asked to see if the nuisance cannot be mitigated by precautionary measures

2nd Member

HK 2 11 916

56 2 11.16

29 I think we may keep the Penal Code and three Criminal Procedure in Rs Indra

HK 29/11

This is an urgent suppression, mixed up with this file I

HK 4/1

Book Dep
This paper ought not to have been mixed up with the Nuisance file. It has no bearing with subject
HK 2-12 916

NOTE—Contn sheet

C11 0006 1 1 1

G R S 12]

General and Revenue Secretariat | MP File No 96 of 1916

| Serial No | |
|---|---|
| | 30 The District Magistrate or an 1st class Magistrate can take action, even on information, under S 133 of the Cr. P. Code, provided that the matter complained of constitutes an offence under the law. The Govt. Act is of opinion that a Public Nuisance within the meaning of S 268 of the I.P.C and in this connection, the following recognised principles are also worthy of Consideration: |
| (1) | "An indictment will fail if the nuisance complained of only affects one or a few individuals" |
| (2) | "Taking the wording of S 268 I.P.C in its literal sense, floating blacks from a Chimney, which entered a window and spoiled a carpet, or the whistle of a Railway Engine which awoke people at night, might be indictable. But these general terms must be taken only as indicating the nature of the acts or omissions which constitute a nuisance, which, as to degree, the facts of each case must be governed by the rules of Common Sense as pointed out by S 95 I.P.C, and by the well known practice in such matters laid down by the English Courts. In a leading case on nuisances, Lord Wenslydale, |

Sub[d] as per orders

NOTE—Contn sheet

G R S 12]

General and Revenue Secretariat | Ml File No 96 of 191?

| Serial No | |
|---|---|
| | Says. — "If a man lives in a town, it is necessary that he should submit himself to the Consequences of those operations of trade which may be carried on in the immediate locality, which are actually necessary for trade & Commerce, and also for the enjoyment of property, and for the benefit of the inhabitants of the town & the public at large" |
| (3) | "The law does not regard trifling and small inconveniences, but only regards sensible inconveniences, and injuries which sensibly diminish comfort and enjoyment" |
| (4) | "To make a nuisance indictable, it must be a nuisance to the public or to the people in general, not to merely to a few persons, drawn from a higher class and accustomed to a higher standard of Comfort than their neighbours" |
| | Mayne's Crim[l] Law of India, pp 599, 604, & 605 |
| (5) | The persons injured by the nuisance must Comprise either the Public generally or a section of the Public resident near the locality of the nuisance, or persons in the exercise of a public right Thus the essence of the offence is that it affects the |

NOTE—Contn sheet

GPB—70 000—17 12 1

G R S 12]

General and Revenue Secretariat | WL File No 94 of 191 6

Serial No

and is not merely injurious or annoying to individuals

Nilamani Dutt Code p 248

Again, if action is intended to be taken under S. 133 of the Cr. P.C the following points have to be considered —

(a) The section contemplates the case of a notice or Conditional order to the person causing the nuisance,

(b) When the party against whom the order is made refuses or does not comply with the order, or takes action to vacate the order, the ex-parte information becomes Conclusive evidence and the accused becomes liable and subject the party concerned to the penalty prescribed by S 188 I P.C (Disobedience of order)

I.L.R. 12 Madras 475 at p 478

(c) A general order or proclamation prohibiting nuisance cannot be issued under this section The order must be directed to any special class or individuals Otherwise its disobedience will not be punishable under S. 188 I.P.C

Sohoni's Cr. P.C p 125

(d) no unconditional order can be passed under this section. Every order must appoint a time within which and a place

G R S 12]

General and Revenue Secretariat | Jud File No 96 of 1916

Serial No

where a person to whom it is directed may appear before the Magistrate and move to have the order set aside or modified

31 I. L. R. 9 Calcutta 63)

In view of these difficulties, it does not seem to be desirable to take serious action under the Penal Code or Crim. Procedure Code. If the Dist. Magistrate can, without the necessity of issuing any written orders, manage to get an assurance from the Agents of the offending mill or mills to reduce the whistle in point of intensity and duration it may perhaps be accepted otherwise, the only alternative seems to be to introduce a suitable amendment into the Municipal Regn.

32 It may be added that very large powers are given to Municipalities in Bombay by various Municipal Acts for the abatement of nuisances of all sorts

vide Bengal Act II of 1888 ss 221 - 316
Punjab Act XX of 1891, ss 90 - 136
Bombay Act VI of 1873, ss 30 - 79
Madras Act I of 1884, ss 283 - 367)

33 Sub. for favour of order.

10 4
3 11

Revenue Secretary)

NOTE—Contn sheet

GPB—70 000—17 12

G R. S 12]

1259

9

General and Revenue Secretariat | ML File No. 96 of 1916

| Serial No | |
|---|---|
| | 34 Submitted to Govr |
| | 35 If approved, leading the amendment of the Municipal Regulation, the Deputy Asst Magte may be requested to take action as suggested by the 2nd member & Dept & Govt for approval vide the orders 3 11 916 (Illegible) |
| | 36 Please bring up at the next meeting of Council 18 11 16 (Illegible) |
| 2851 18 11 16 | |
| | Genl Secretary) 37 In favour of proposed action (Illegible) 18/11/916 Dm 18 11 16 |
| Recd 20 11 16 4 P M | |

Note—Contn sheet

—70 000—17 12 17

disposal at the Next Informal Meeting)

No C. & 35

21-11 191 6

# GENERAL AND REVENUE SECRETARIAT

**Council Matter**

---

## SUBJECT

**Action to be taken for minimising the disturbance caused to the public of the Bangalore City by the early morning whistles of the local mills.**

## CIRCULATED TO THE MEMBERS OF COUNCIL

By Order,

D M Ranganathan

*Secretary to Government*

**21st November** *191* **6**

---

**Extraordinary Member of Council**

**First Member of Council** 27/11

**Second Member of Council** 27/11

WD 2019—( PB—1 000—9 2 16

96-B 27 1239 20

(Informal)

Subject.-

Action to be taken for minimising the disturbance caused to the public of the Bangalore City by the early morning whistles of the local mills.

OPINION OF THE COUNCIL.

~~The Municipal Act as~~
38. The question of suitably amending the Municipal Act may be answered along with the Local Self Govt Scheme

Govt

Asst Secy to 39 Govt to consult the 2nd Member with a draft amendment for approval in order to refer the file to the Officer on Special Duty

6/12/16

40 Please put up a draft amend in Chap IX of the Mun Reg and the lines indicated in Rules 21 & 22 of the Rules

To m

41 Draft a Bill with Statt of Objects and Reasons is put up

HRK 48

16 Dec 16

1259 / 21

G R S 12]

General and Revenue Secretariat | Ind File No. 96 of 1916

| Serial No | |
|---|---|
| L.S.G. Misc 20 of 16. | 42 Draft reply to paras 3 & 4 of Leg. Dept. May the file be transferred to the Officer on Spl. Duty for consideration in connection with the amendments of the Ind. Rules in accordance with L.S.G. Dept. Secy.) — 42 27/1/17 |
| | 43 This will, if approved, be done by 2nd member) — 44 hm 29/1/17 |
| 46 30-1-17 | 45 To Spl Officer - with compliments. hm 1/2/17, 46 1/2/17 |
| | 46 The asst Secy will kindly bring the file for personal discussion hm 1/2/17 |
| Asst Secy to be kindly bring this to-morrow hm 1/2 | 47 Monthly Discussion — 1) Factories Regulation & Rules thereunder to be put up & reference to be in this connection. 2). Section 6 be so drafted as to include the "Forest" |

NOTE—Contin sheet

PB—70 000—17 1

G R S 12

General and Revenue Secretariat

Jud File No 96 of 1916

Serial No

3) Attd the draft amending Legislative Council Rules, 1917 with the approval of the 2nd Member

17/2/17

Please put up Factory Regn Rules thereunder for approval

48 Draft is submitted revised with reference to para 47(2) above and resubmitted

HSK 21/2/1917

Subj for appln or orders

22/2

The matter can not be brought under the Factories Regulation as the Govt Madras A draft Regulation is put up. After approval it may be sent to Govt for further action I regret the delay, having been otherwise engaged till now on the pressing work

allowing the municipal Asst

2nd Member 28/2/17

The rules recommended with the draft amending bill Ag. 3

WD 1288—GPB—60 000—1 12-16—S

R. S. II. 3]

General and Revenue Secretariat | Ind File No. 96 of 1916

Serial No

As per Note

Sd/-
1/8/17

Ind 1471-17

Sub: A draft Bill prepared under the orders of the Special Duty Officer is already in the file. May this draft be included in the consolidated Bill

6/4/18

Necessary provision has been included in the Usual Amending Regn. IX of 1916. The papers may be recorded in B

24/7/18

Sd/-

Sd/-
20/7

File
Sd/-
2/11/7

GENERAL & REVENUE SECRETARIAT
Sd/-
- 2 AUG 1916
OF GOVT. INDIA

NOTE—Contin. sheet

# A BILL TO FURTHER AMEND THE MYSORE MUNICIPAL REGULATION

After Section 138 add the following section -

Prohibition of use of certain kinds of whistle or trumpet without permission of the President

"138 A (1) No person shall, without a license granted by the President, use or employ in any factory or any other place, any siren, whistle or trumpet operated by steam, other mechanical power or electrical power, for the purpose of summoning or dismissing workmen or persons employed

License to specify conditions, etc , on which it is granted

(2) The license shall specify the period for which and the restrictions and conditions subject to which, the same is granted

Revocation of licence

(3) The President may at any time revoke any license which he has issued for the use of any such instrument as aforesaid, on giving one month's notice

Provided that no such notice shall be required to be given by the President if he suspends or revokes any such license on the ground that any of its restrictions or conditions is infringed or evaded by the person to whom the same has been granted

When license is suspended, etc , person to be deemed to be without a license

(4) When any such license is suspended or revoked or the period for which the same was granted has expired, the person to whom the same was granted

shall /

shall be deemed to be without a license until the President's order for suspending or revoking the license is cancelled by him or until the license is renewed, as the case may be

Penalty

(5) Whoever uses or employs any such siren, whistle or trumpet as aforesaid without or in contravention of any of the conditions of such license shall be punished with fine which may extend to fifty rupees

Grantee to be bound to produce license

(6) Every person to whom any such license has been granted shall at all reasonable times, while such license remains in force, if so required by the President, produce such license "

Statement of objects and reasons

There have been complaints from the residents of Bangalore that the early morning whistle from one or both of the local Mills disturbs many households There is now no provision of law to abate the nuisance in this respect It is therefore considered desirable to take the necessary power by amending the Municipal Regulation

28/2/17

28 2 1917

R.S. III—3]

# ROUTINE NOTES

[To be used only for notes requisitions, etc, not intended for permanent record.]

Disturbance from Mill Wheels

under the existing law, it is

not possible to penalise nuisances

or annoyance caused to the

public by the use of steam

The Draft Bill amending

the Municipal Regulations was

unanimously drafted but could not

be considered placed before the

Legislative Council as also

amendments of the Main Roads

pertaining to Local Self

Govt Scheme were ordered to be

taken up separately after the

Bills relevant to the Scheme were

passed Mr Moos amendments

have now been referred to a

Committee of Officials and

Non-Official members of Certain

Municipalities may report

[N.B.—Should routine notes be written on small slips
they must be copied on slips pasted on this form

G.R.S. III—3]

# ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

---

is under submission to for the Bill containing the amendments will be placed before before the Legislature Council at the next meeting

Explained to Hon'ble.

[illegible]

[illegible]

Revenue Secy)

I understand now that the subject is not coming up at the next meeting. The Asst Secy is requested to kindly explain the circs.

[illegible]

Asst Secy (with the)

The committee report has not yet been received, and the orders of the members thereon have not been communicated the Bill further hearing Subcommittee [illegible] the Legislature and [illegible] for placing the Bill before the

N B—Should routine notes be written on small slips the notes must be copied or slips pasted on this form.

GRSM 592

Revd ?

Asst Secy — Please note hereby the Committee's report is delayed —

GRS III—3]

# ROUTINE NOTES.

[To be used only for notes requisitions etc, not intended for permanent record]

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The report has been delayed owing to the non-receipt of replies from some of the members of the Committee on the draft report drawn up on the discussions that took place at the meeting of the members on 12.7.18. Two reports are still due. Telegrams and letters reminding them have also been sent. One more report was received only on 27.8.18.

11.9.18

Rosser

2o H.S.)

13.9.18

Seen

I request that the matter may not be allowed to rall into routine.

17.9.18 2O

2o/Asstt Secy & Secy of Legislature.

13.9.18

Noted

15.9.18

From
Messrs K Mathews
& B.K. Gandaphar
From Mr Srikandeswara Iyr,

D 3954
GEN & REV SECRETARIAT
I
RECEIVED
14 SEP 1918

1572
14/9/18

[1] B—Should routine notes be written on small slips. The notes must be copied or slips pasted on this form.

GRS 572

G.R.S. 4th-21.

# ROUTINE NOTES

To be used only for [illegible] reallusions, etc., not intended for permanent record.

N.B. *Should routine notes be written on small slips this duplicate must be copied or slips pasted on this form.*

5

L O No 1428 ml 96/16 GENERAL AND REVENUE SECRETARIAT.

Dated Bangalore 19th August. 1916

My dear Sir,

I am directed to invite your kind attention to your Demi-official letter of 1st September 1915 addressed to the Dewan on the subject of abating the disturbance caused to the local residents from the morning whistles of the mills in the city, and to the Dewan's reply thereto of the 4th idem in which the consideration of some permanent arrangements in this respect was suggested.

I am to enquire what action has been or is being taken by the Municipality in this direction, as many of the residents complain that the nuisance brought to notice has not yet abated.

It is a matter of common knowledge that no industry can be allowed to disturb the peace of the residents in the neighbourhood and that operations should be so conducted as not to prove a nuisance. If persuasive measures fail to prove effective I am directed to suggest for your kind consideration the necessity of framing suitable bye-laws for the purpose.

There are two mills in the City. The Dewan will be pleased to know which of the two offend most in this respect and the localities particularly affected by the blowing of whistles, the sound of which is hr daily heard even at the Residency.

I request the favour of an early reply.

Yours sincerely,

To

Rajasabhabhushana

Dewan Bahadur K.P.Puttanna Chetty, Esq.,

President, Bangalore City Municipal Council

D O 166

D 876

CITY MUNICIPAL OFFICE,
BANGALORE

Dated 7th September 1916

Dear Krishna Rao,

On receipt of the Dewan's letter of 1st September 1915 on the subject of the nuisance caused by the syrens of the local mills I wrote to the several mill authorities and also personally spoke to them I believe the nuisance had for some time been considerably reduced

Again, on hearing from you on the 19th ultimo, I have again warned the local mills I have also noticed that since then the syrens have not been quite so obtrusive during the early morning hours

I fear that under no Section of the Municipal Regulation could the Municipal Council frame suitable bye-laws in respect of syrens used at factories as the entire administration of the Mysor Factories Regulation and rules framed thereunder is vested in the District Magistrate and the Inspectors specially appointed by Government I also find that there is no provision in the said Regulation under which bye-laws can be framed

The only procedure that seems to me to be feasible is for the District Magistrate to treat it as a Public nuisance under the Indian

D 1239

Q. No 216 Und. 96-16-3

Office of the Municipal Council,
Bangalore City, dated 20th October 1916.

Dear Mr. Krishna Rao,

In continuation of my D O. letter No 166 dated the 6th September 1916, I herewith forward a copy of letter No. 23413 dated 29th September 1916 from the Municipal Commissioner of Bombay together with a printed copy of Section 393 of the Bombay Municipal Act as well as a form of license issued to the Mills or Factories in that City in regard to the use of whistles &c , received in reply to a communication made to that Corporation as alluded to in the closing portion of my above letter.

2 The Section of the Bombay Municipal Act referred to merely enjoins that no whistles or trumpets should be used without a license from the Commissioner, while the license form specifies the conditions under which the license is issued

3 In the Mysore Municipal Regulation similar provision does not exist with respect to the noises of whistles and syrens, nor is there any provision in the Mysore Factories Regulation

4

SERIAL No. 568

# MUNICIPALITY OF BOMBAY.

PERMIT No _____ OF 1916-1917.

Fee—Rs. (10) Ten only.

*For using a Steam Whistle in Mill,—Factory or Workshop*

LICENSEE _____

Premises No _____

_____ Wa

Name of Mill, Factory or Workshop _____

PERIOD—From 1st April 1916 to 31st March 191

Dated _____

*Superintendent of Licenses*

*Municipal Commissione*
*for the City of Bom*

26]

File No

Serial No

No of letter replied to L S Q Misc 2-2-16

No 103 & 12-2-17

General and Revenue Secretariat

( )

the 191

To

Dear Sir

Please refer to
DO correspondence ending
with your no 2168 & 20 10 916
I am desired to request you
to kindly ~~Make~~ intimate ~~whether~~ ~~has~~
~~not~~ how the whistle in
the local mills is caused,
i e whether by steam, or
electricity or otherwise.

Yours Sincerely

D. M.

Date of issue 12-2-17

Signed by Mr V Q Thyagaraja Iyer

Better the
phrase "Steam
Horn or Trumpet"
will be correct
Please to it

10/2/17

To

Rajasabha Bhushana
Diwan Bahadur
K P Pattanna Chetty Esq

SUBJECT

*List of enclosures*

*Copied by*

*Examined by*

FE—20,000—10-10-14

D. 9

D O 103/9

CITY MUNICIPAL OFFICE,
BANGALORE,

Dated 19th February 1917

Dear Sir

I am in receipt of your D O letter No 103 dated 12th February 1917 enquiring how the whistle in the local mills is caused

On enquiry it is learnt that the whistles in all the Mills in the City are caused by steam and that the designation "steam whistle" is correctly applicable to them

Yours sincerely,

Honorary President

To

V R Thyagaraja Iyer, Esq , M A ,
Revenue Secretary to Government
on special duty, Bangalore